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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,731	09/13/1999	JOSEF OTTO RETTENMAIER	017309/0173	3007

7590 01/07/2003

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EXAMINER

KIM, SUN U

ART UNIT	PAPER NUMBER
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1723

28

DATE MAILED: 01/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/380,731

Applicant(s)

Rettenmaier

Examiner

John Kim

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 29, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, 30, 36, and 37 is/are pending in the application.
- 4a) Of the above, claim(s) 15-28 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14, 30, and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

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1. Claims 1-12 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,288,462 (hereinafter referred to as Hou et al '462) in view of German Patent No. 41102~~52~~⁵² (hereinafter referred to as GP '252). Hou et al '462 teaches filter media sheet comprising cellulose fibers of different pulps or differently beaten pulps and perlite and silica (i.e. kieselguhr) (see col. 3, line 54 - col. 4, line 26; col. 5, line 6 - col. 6, line 36; col. 10, line 64 - col. 11, line 12). Hou et al '462 teach that filter sheet made of cellulose fibers are free of extractables and are free of discoloration (see col. 3, lines 59-69). Claims 1-12 and 36-37 essentially differ from the filter media sheet of Hou et al '462 in reciting claimed treated finely divided wood particles. GP '252 teaches possible ancillary filtering agent including wood dust (col. 1, lines 30-32) wherein the ancillary filtering agents are treated with a diluted alkaline solution e.g. NaOH solution at temperatures below 100 degree Celsius e.g. 70 - 90 degree Celsius (see col. 6, line 62 - col. 7, line 1) in order to again dissolve away remaining "organoleptically active" or sensorially active substances. Cellulose pulp contains cellulose fibers, and cellulose fibers have cellulose particles. Cellulose is derived from wood particles. It would have been obvious to a person of ordinary skill in the art to treat wood dusts to produce cellulose pulp for its use in a filter media sheet in Hou et al '462.

2. Claims 1-14 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,488,969 (hereinafter referred to as Hou) in view of ^{GP '252}~~Tan et al~~. Hou teaches filter media sheet comprising cellulose fibers (such as wood pulp, cotton, cellulose acetate or rayon) of different pulps or differently beaten pulps in fiber diameter of 15 to 25 microns and fiber

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length of about 0.85 mm and perlite and silica (i.e. kieselguhr) (see col. 3, lines 13-27; col. 4, line 57 - col. 5, line 55; col. 9, lines 57-64). Claims 1-14 and 36-37 essentially differ from the material of Hou in reciting claimed treated finely divided wood particles. GP '252 teaches possible ancillary filtering agent including wood dust (col. 1, lines 30-32) wherein the ancillary filtering agents are treated with a diluted alkaline solution e.g. NaOH solution at temperatures below 100 degree Celsius e.g. 70 - 90 degree Celsius (see col. 6, line 62 - col. 7, line 1) in order to again dissolve away remaining "organoleptically active" or sensorially active substances. Wood pulp contains cellulose fibers, and cellulose fibers have cellulose particles. Cellulose is derived from wood particles. It would have been obvious to a person of ordinary skill in the art to treat wood dusts to produce wood pulp for its use in a fibrous media in Hou.

3. The declaration filed on 10/29/02 under 37 CFR 1.131 is sufficient to overcome U.S. Patent No. 5,866,242 (Tan et al.) reference.

4. Applicant's arguments with respect to claims 1-14 and 36-37 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response

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after final action is (703) 872-9311, and the fax phone number for all other official faxes is (703) 872-9310.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


John Kim
Primary Examiner
Art Unit 1723

J. Kim
January 3, 2003